

2100 Pennsylvania Avenue, NW  
Washington, DC 20037-3213

T 202.293.7060

F 202.293.7860

www.sughrue.com

**FAX**

Date February 2, 2005

To Examiner Qian Janice Li

Of PTO Group Art Unit 1632

Fax 571-273-0730

From Susan J. Mack/Lisa E. Stahl

Subject International Search Report  
Application No.: 09/856,374  
Confirmation No.: 8301

Our Ref Q64360

Pages 4 (including cover sheet)

Please call attention to problems with this transmission by return fax or telephone. Thank you.

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Examiner Li,

As per your request, attached please find a copy of the International Search Report that was originally filed in this application (09/856,374) with the Information Disclosure Statement submitted May 21, 2004.

Very truly yours,

Susan J. Mack  
Lisa E. Stahl

SJM/LES/jmc

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/JP00/06347

## A. CLASSIFICATION OF SUBJECT MATTER

Int.Cl<sup>7</sup> A61K48/00, 38/18, A61P9/00, 9/10, 25/00, 25/28, 43/00  
//A61K35/76

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

Int.Cl<sup>7</sup> A61K48/00, 38/00-38/18, 35/76,  
A61P9/00-9/10, 25/00-25/28, 43/00

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

CAPLUS (STN), MEDLINE (STN), EMBASE (STN), BIOSIS (STN),  
BIOTECHABS (STN), WPIL (DIALOG), JICST (JOIS)

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO, 97/14307, A1 (ST. ELIZABETH'S MEDICAL CENTER OF BOSTON, INC.),	1-4, 21-23
Y	24 April, 1997 (24.04.97), Claims; summary of the invention & JP, 11-514366, A & AU, 9674548, A & EP, 883343, A1 & US, 6121246, A	5-12, 24, 25
Y	JP, 11-246434, A (Sumitomo Pharmaceuticals Co., Ltd.), 14 September, 1999 (14.09.99), Claims; Par. No. [0012] (Family: none)	5-12, 24, 25
Y	JP, 7-41429, A (Mitsubishi Chemical Corporation), 10 February, 1995 (10.02.95), Claims; Par. No. [0015] (Family: none)	5-12, 24, 25
Y	JP, 8-231416, A (Mitsubishi Chemical Corporation), 10 September, 1996 (10.09.96), Claims; Par. No. [0008] (Family: none)	5-12, 24, 25
Y	EP, 722737, A1 (SUMITOMO PHARMACEUTICALS CO., LTD.), 24 July, 1996 (24.07.96), Claims	5-12, 24, 25

☒ Further documents are listed in the continuation of Box C.☐ See patent family annex.

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T"

later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X"

document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y"

document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&amp;"

document member of the same patent family

Date of the actual completion of the international search  
01 December, 2000 (01.12.00)

Date of mailing of the international search report  
19 December, 2000 (19.12.00)

Name and mailing address of the ISA/  
Japanese Patent Office

Authorized officer

Facsimile No.

Telephone No.

Form PCT/ISA/210 (second sheet) (July 1992)

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/JP00/06347.

## C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
	& WO, 95/07709, A1 & JP, 7-89869, A	
Y	WO, 97/07824, A1 (Sumitomo Pharmaceuticals Co., Ltd.), 06 March, 1997 (06.03.97), Claims; Prior Art, Problems to be Solved by the Invention, page 8, lines 19 to 27 & AU, 9667544, A & EP, 847757, A1 & CN, 1198675, A & NZ, 315769, A & KR, 99044279, A & AU, 200042568, A	10-12
T	MORISHITA, R., 'Adventure in Gene Therapy: "MedGene" as the First Academic Genetic Bioventure', BIOJAPAN 2000 SYMPOSIUM PROCEEDINGS, pp.183-193 (Presented on Sept.27, 2000)	1-12, 21-25
Patent provided by Sughrue Mion, PLLC - <a href="http://www.sughrue.com">http://www.sughrue.com</a>		

Form PCT/ISA/210 (continuation of second sheet) (July 1992)

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/JP00/06347

**Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)**

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 13-20  
because they relate to subject matter not required to be searched by this Authority, namely:  
The inventions as set forth in claims 13 to 20 pertain to methods for treatment of the human body by therapy (Article 17(2)(a)(i) of the PCT and Rule 39.1(iv) of the PCT).
2. ☐ Claims Nos.:  
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

**Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)**

This International Searching Authority found multiple inventions in this international application, as follows:

In the inventions as set forth in claims 1 to 12 and 21 to 25 in the present application which is the subject of the international search, it is considered that the technical feature resides in the combination of the active ingredients with the therapeutic use. This is because it had been widely known to use nucleic acids capable of expressing angiogenic proteins (HGF, VEGF, etc.) as remedies for ischemic diseases such as cerebrovascular ischemia, as stated in the searching report.

Such being the case, it is understood that the above-described claims involve two inventions, namely, an invention wherein HGF is used as the active ingredient and another invention wherein VEGF is used as the active ingredient.

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☒ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest ☐ The additional search fees were accompanied by the applicant's protest.  
☐ No protest accompanied the payment of additional search fees.

Form PCT/ISA/210 (continuation of first sheet (1)) (July 1992)